IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2058 OF 1997

Nyayalayin Kamkaj Marathitun Whave
Kruti Samiti, Thane & Ors. ...Petitioners

Vs.

The District and Sessions Judge
Thane & Ors. ...Respondents

Mr.A.A.Garge for Petitioners
Mr.S.K.Chinchalikar, A.G.P. For Respondents 1 to 3

CORAM : R.M.S. KHANDEPARKAR &
SMT. ROSHAN DALVI, JJ.
DATED : 22ND MARCH, 2006.

P.C.

1. Heard the learned Advocate for the Petitioners. This is a matter wherein the Petitioners have sought mandamus directing the Respondents to fill in the posts of 100 Junior Clerks in the Subordinate Courts by appointing only those candidates who have requisite knowledge of typing in Marathi language. At the

time of admission and hearing on the point of interim relief as long as back on 25th June 1997, this Court had refused to grant interim relief on account of categorical statement in the affidavit-in-reply filed by the Additional Registrar (Legal) of this Court that :

> **"** *That taking into consideration the importance of the implementation of the Policy of use of Marathi in Lower Courts, adequate additional qualifications and weightage for candidates possessing Marathi typewriting and shorthand qualifications has been provided for in the advertisement.* **"**

2. The matter is heard today for final disposal of the Petition. The learned Advocate appearing for the Respondents is not in a position to inform the Court as to whether the posts for which the applications were invited by advertisement dated 25th January 1997 have been filled or not? Since the interim relief was refused, it is very difficult to believe that till this date the posts which were advertised by issuing notice dated 25th January 1997 had remained to be filled.**"**

3. At the request of the learned Government Advocate, in order to ascertain the said fact, time is granted. S.O. to 24th March, 2006.

(R.M.S. KHANDEPARKAR, J.)

(SMT. ROSHAN DALVI, J.)